

NIH Policy Manual

1301 - Conduct of Persons and Traffic Violations at the NIH

Issuing Office: OD/OM/ORS/SER/DP **Phone:** [\(301\) 496-2387](tel:3014962387)

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Transmittal Notice

1. **Explanation of Material Transmitted:** This revised chapter contains the Federal regulations governing the conduct of persons and traffic on the National Institutes of Health (NIH) campus in Montgomery County, Maryland. The manual chapter is being revised to address plain language requirements and add required sections for Records Retention and Management Controls.
2. **Filing Instructions:**

Remove: NIH Manual Chapter 1301 dated 9/30/93.

Insert: NIH Manual Chapter 1301 dated 8/28/09.

PLEASE NOTE: For information on:

- Content of this chapter, contact the issuing office listed above.
- NIH Manual System, contact the Office of Management Assessment, OM, on 301-496-4606.
- Online information, enter this URL : <http://oma.od.nih.gov/manualchapters/>

A. Purpose

This chapter provides guidance based on title 45 of the Code of Federal Regulations governing the conduct of persons and traffic on the NIH campus located in Montgomery County, Maryland.

B. Background

The standards of conduct and traffic violations are based on Federal and Maryland codes. In the event of an irreconcilable conflict between the regulations at 45 CFR part 3 and a State of Maryland statute governing the identical subject matter, the regulations at 45 CFR part 3 would control.

C. Policy

This chapter applies to all areas on the campus and to all persons on or within the campus, except as otherwise provided, and has the effect of law.

All persons on campus must not engage in any conduct detrimental to the Government and must avoid conflicts of private interests with public duties and responsibilities. In accord with these principles this chapter outlines the standards of conduct and traffic violations applicable to the campus.

D. References

1. 5 CFR, chapter XVI, part 2635:
http://www.access.gpo.gov/nara/cfr/waisidx_98/5cfr2635_98.html
2. 45 CFR, part 3: http://www.access.gpo.gov/nara/cfr/waisidx_02/45cfr3_02.html
3. 45 CFR, part 3.23: http://www.access.gpo.gov/nara/cfr/waisidx_02/45cfr3_02.html
4. 45 CFR, part 73: http://www.access.gpo.gov/nara/cfr/waisidx_02/45cfr73_02.html
5. 18 United States Code Annotated: <http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=BROWSE&title=18usc&PDFS=YES>
6. 21 United States Code Annotated: <http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=BROWSE&title=21usc>
7. 40 United States Code, Sec. 318:
<http://www.thecre.com/fedlaw/legal10/uscode40-318.htm>
8. [NIH Manual Chapter 1305](#), “Physical Security – Photography and Video Recording at NIH Facilities” (new-pending release)
9. [NIH Manual Chapter 1310](#), “Workplace Violence Prevention and Response”
10. [NIH Manual Chapter 1410](#), “Parking Policy”
11. [NIH Manual Chapter 1411](#), “Bicycles, Bicycle Racks and Locker Facilities” (to be revised-pending release)
12. [NIH Manual Chapter 1743](#), “Keeping and Destroying Records,” Appendix 1, NIH Records Control Schedule
13. 41 Part 102-74 http://www.access.gpo.gov/nara/cfr/waisidx_01/41cfr102-74_01.html
14. Maryland State Government Section 12-102
<http://law.justia.com/maryland/codes/gcr/12-102.html>
15. Maryland State Government Section 9-102
<http://law.justia.com/maryland/codes/gsg/9-102.html>
16. Maryland Criminal Law Title 10-201
<http://law.justia.com/maryland/codes/gcr/10-201.html>
17. Maryland Transportation Code <http://law.justia.com/maryland/codes/gtr.html>

E. Definitions

1. **Director** - The Director or Acting Director of the National Institutes of Health (NIH), or other officer or employee of NIH to whom the authority involved has been

delegated.

2. **NIH Campus** - 318 acres of Federal property located in Bethesda, MD. This is the site of the National Institutes of Health (NIH).
3. **Police Officer** - A uniformed or non-uniformed law enforcement officer appointed under a delegation of authority to the Director under title 40 United States Code sections 318 or 318d; any other Federal law enforcement officer; and any other person whose law enforcement services are secured by contract, or upon request or deputation from a State or local law enforcement agency.

F. Responsibilities

1. Conduct of Persons

- a. The matters described in this paragraph are governed, in whole or in part, by the current version of the cited Maryland criminal statutory provisions, which are made Federal criminal offenses under the Assimilative Crimes Act (18 U.S.C. 13). This listing sets forth areas of conduct particularly relevant to the campus and is provided solely for the information of the public. The list is not all-inclusive and omission of other Maryland criminal statutes does not mean that such other statutes are not assimilated as Federal offenses under the Act. Generally, other Maryland criminal statutes will apply on the campus, by force of the Act, unless superseded by Federal law or a given provision of this part. In any given situation, the cited statutory provisions and any amendments in effect when the alleged offense occurred shall determine the specifics of the offense, applicability, and penalty.
- b. The use of force or threat of force, willful injury, intimidation or interference with a person participating in or enjoying any benefit, service, privilege, program, facility, or activity, provided by or administered by the U.S., and engaging in certain other Federal protected activities is prohibited (U.S. Code: 18 U.S.C. 245).
 - i. The responsibilities of NIH personnel in relation to the above are outlined in [NIH Manual Chapter 1310](#), "Workplace Violence Prevention and Response".
- c. Malicious destruction or damage, by an explosive to a building or other property owned, possessed, used, or leased by the U.S. Government is prohibited (U.S. Code: 18 U.S.C. 844(f)).
- d. Actually or intending to manufacture, distribute, dispense, or possess narcotics and other controlled substances, including counterfeit substances is prohibited (U.S. Code: 21 U.S.C. 841, 842, 843, 845).
 - i. Exceptions are noted in the Controlled Substances Act (U.S. Code: 21 U.S.C. 844).

- e. Simple possession of narcotics or other controlled substances is prohibited, unless the substance is obtained directly or as a result of a prescription or order, from a practitioner, acting in the course of professional practice, or as otherwise authorized under the Controlled Substances Act (U.S. Code: 21 U.S.C. 844).
- f. Gambling is prohibited on campus. This does not apply to vending or purchasing authorized lottery tickets under Maryland State Law. (Maryland State Government Section 12-102 <http://law.justia.com/maryland/codes/gcr/12-102.html> and Maryland State Government Section 9-102 <http://law.justia.com/maryland/codes/gsg/9-102.html>).
- g. Authorized law enforcement officials, on official duty, are permitted to carry weapons onto campus.
 - i. Off-duty law enforcement officials not on official duty must check their firearms at the gates
 - ii. All others are not permitted to bring weapons of any type on campus, openly or concealed, even with a permit.
- h. The following acts by a person are prohibited: Unwarranted loitering, disorderly conduct (acting in a disorderly manner to the disturbance of the public peace is prohibited and shall be governed by Maryland Criminal Law Title 10-201 <http://law.justia.com/maryland/codes/gcr/10-201.html>); littering or disposal of rubbish in an unauthorized manner; the creation of any hazard to persons or property; the throwing of articles of any kind from or at a building; the climbing upon any part of a building for other than an authorized purpose; the loud playing of radios or other similar devices; and roller-skating, skateboarding, sledding or similar activities, except in officially designated areas. A person may not knowingly give any false or fictitious report concerning an accident or violation of the regulations of this part or any applicable Federal or Maryland statute to any person properly investigating an accident or alleged violation. All incidents resulting in injury to persons or willful damage to property in excess of \$100.00 (one hundred dollars) in value must be reported by the persons involved to the Police Office as soon as possible. The Police Office's main location and telephone number is: Building 31, Room B3B17; (301) 496-2387 or after hours (301) 496-5685.
- i. A person may not discriminate by segregation or otherwise against another person because of age, color, creed, handicap, national origin, race or sex, in furnishing or by refusing to furnish to that person the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided within the campus. (Title 18 United States Code section 245 prohibits, by use of force or threat of force, willful injury, intimidation, or interference with, a person from participating in or enjoying any benefit, service, privilege, program, facility, or activity provided by or administered by the United States, attempts to do these acts, and engaging in certain other activities.)
- j. Everyone on campus is required to visibly display NIH issued or approved identification while on campus. Non-employees, including contractors, who do

not display an NIH ID are subject to removal from campus and may lose campus access. Employees who do not display an NIH ID are subject to administrative penalties. The following are exceptions:

- i. Patients located inside the on-campus hospital (Clinical Research Center) do not have to display an NIH ID while in the hospital.
 - ii. Infants too young to walk do not have to display an NIH ID.
 - iii. Those attending select events in which security procedures have been enacted by the Special Events Section of the Division of Police controlling movement of attendees to the area of the event.
- k. Upon request by a police officer, a person involved in any of the following situations must provide identification other than their NIH issued ID, for example, by exhibiting satisfactory credentials such as a driver's license or other appropriate government ID:
 - i. A traffic accident within the campus.
 - ii. The police officer reasonably believes that the individual is engaged in, or has engaged in, criminal conduct or a violation of the regulations of this part.
 - iii. The campus is officially open to the public during normal working and visiting hours and for approved public events. The campus is closed to the public at all other times, and the Director may also officially close all or part of the campus, or any building, in emergency situations and at other times the Director deems necessary to ensure the orderly conduct of Government business. When all or part of the campus is closed to the public, admission is restricted to employees and other authorized persons who will be required to display Government credentials or other identification when requested by a police officer and may be required to sign a register. The living quarters and adjacent areas are not open to the public but are open at all times to occupants and their visitors and business invitees, unless otherwise closed by the Director.
- l. A person may undertake hobbies and sports only in designated areas or as approved by the Director.
- m. A person may not bring on the campus any cat, dog, or other animal except for authorized purposes. This prohibition does not apply to domestic pets at living quarters or to the exercise of these pets under leash or other appropriate restraints. The use of a dog by a handicapped person to assist that person is authorized.
- n. See Manual Chapter 1305, "Physical Security –Photography and Video Recording at NIH Facilities" (new-pending release) for the rules and regulations concerning photography/filming of the interior or exterior of NIH buildings and facilities from within the confines of NIH property or NIH leased property.
- o. A person may not possess, sell, consume, or use alcohol or other intoxicating beverages, except in connection with official duties, as part of authorized research, or as otherwise authorized by the Director or, in the case of possession,

consumption or use only, in living quarters. [The sale, consumption, use, or possession of narcotics and other controlled substances is prohibited and shall be governed by the Controlled Substances (U.S. Code: 21 U.S.C. 841, 842, 843, 845).; driving under the influence of an alcoholic beverage, drug or controlled substance is prohibited and shall be governed by the Maryland Transportation Code Annotated section 21-902

<http://law.justia.com/maryland/codes/gtr/21-902.html>.

- p. Except as part of an approved medical research protocol, smoking is not permitted in any NIH building or on campus.
- q. No person other than a specifically authorized police officer shall possess firearms, explosives, or other dangerous or deadly weapons or dangerous materials intended to be used as weapons either openly or concealed. Upon written request, the Director may permit possession in living quarters of antique firearms held for collection purposes, if the Director finds that the collection does not present any risk of harm.
- r. A person may not remove Federal property from the campus or any building on the campus without a property pass, signed by an authorized property custodian, which specifically describes the items to be removed. In an emergency, or when the property custodian is not available, a police officer may approve removal of Federal property if, after consulting with the administrative officer or other appropriate official, the police officer is authorized by the official to do so. Privately-owned property, other than that ordinarily carried on one's person, may be removed only under this property pass procedure, or upon properly establishing ownership of the property to a police officer. Packages, briefcases, or other containers brought within the campus perimeter are subject to inspection while on, or when being removed from campus.
- s. It is unlawful for a person (other than an employee using authorized bulletin boards), without prior written approval of the Director, to offer or display any article or service for sale within the campus buildings or grounds; display any sign, placard, or other form of advertisement; collect private debts; solicit business, collect for charities, or subscriptions, except in connection with approved national or local campaigns for funds for welfare, health and other public interest purposes, or solicitation of labor organization membership or dues as authorized under the Civil Service Reform Act of 1978 (Public Law 95-454).
 - i. This provision shall not apply to authorized lessees and their agents and employees with regard to space leased for commercial, cultural, educational, or recreational purposes, under the Public Buildings Cooperative Use Act of 1976 [40 U.S.C. 490(a)(16)].
- t. Any NIH employee (or personal representative, if the action is brought against the estate) must inform his/her immediate supervisor as soon as possible after receiving information or papers that the employee is or will be sued for damages based on the employee's operation of a motor vehicle in the scope of his/her Federal employment [Public Law 87-258 (28 U.S.C. Sec. 2679), DHHS General Administration Chapter 4, HHS Motor Vehicles Management Procedures Guide,

Chapter 110).

- i. As soon as the employee receives the papers concerning the suit, he/she delivers the papers or a complete copy thereof to his/her supervisor. The supervisor first informs and then forwards this information to the Director (Chief), Division of Police, the NIH designee, to deal with the proper Federal authorities involved in the defense of suits against NIH employees. NIH field personnel must immediately notify his/her superior or the Director (Chief), Division of Police, Building 31, Room B3B17, 301-496-2387, by telephone. All documents received are then forwarded to the Director, Division of Public Health Service (PHS) Claims, Administrative Services Center, Office Management, Parklawn Building, who makes final determination pursuant to the delegated authority for the disposition of claims; i.e., adjudication of the claim or referral of the case to the Office of General Counsel, Office of the Secretary, and the Department of Justice who are responsible for the defense of claims and/or suits against the Government.

2. Traffic Violations

- a. A person must comply with the regulations in this part; with all official signs; and with the lawful directions or orders of a police officer or other authorized person, including traffic and parking directions.
- b. Pedestrians have the right-of-way in crosswalks and other areas subject to the following limitations. (Maryland code annotated: Transportation, Sec. 21-502 <http://law.justia.com/maryland/codes/gtr/21-502.html>, Transportation, Sec. 21-511 <http://law.justia.com/maryland/codes/gtr/21-511.html>).
 - i. The driver of a vehicle shall come to a stop when a pedestrian crossing the roadway in a cross walk is:
 - aa. On the half of the roadway on which the vehicle is traveling.
 - bb. Approaching from an adjacent lane on the other half of the roadway.
 - ii. A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- c. Blind, partially blind, or hearing impaired pedestrians have the right-of-way at any crossing or intersection subject to the following rules (Maryland code annotated: Transportation, Sec. 21-502 <http://law.justia.com/maryland/codes/gtr/21-502.html>, Transportation, Sec. 21-511 <http://law.justia.com/maryland/codes/gtr/21-511.html>).
 - i. The driver of a vehicle shall yield the right-of-way to:

- aa. A blind or partially blind pedestrian using a guide dog or carrying a cane predominantly white or metallic in color (with or without a red tip).
- bb. A deaf or hearing impaired pedestrian accompanied by a guide dog.
- cc. A mobility impaired individual crossing a roadway while using any of the following mobility assisted devices:
 - Manual or motorized wheelchair
 - Motorized scooter
 - Crutches
 - Cane
- dd. A person who is not blind or partially blind may not use or carry a white cane, a cane that is white tipped with red, or a chrome, nickel, aluminum, or other reflecting or shining metal cane.
- d. Drivers shall exercise due care to avoid colliding with pedestrians, children and incapacitated individuals (Maryland annotated code: Transportation, Sec. 21-504 <http://law.justia.com/maryland/codes/gtr/21-504.html>).
- e. Driving while intoxicated, under the influence of alcohol and/or a drug or controlled substance is prohibited (Maryland annotated code: Transportation, Sec. 21-902 <http://law.justia.com/maryland/codes/gtr/21-902.html>).
- f. Unattended motor vehicles are prohibited unless the following precautions are taken (Transportation, Sec. 21-1101 <http://law.justia.com/maryland/codes/gtr/21-1101.html>).
 - i. Engine must be stopped
 - ii. Ignition locked
 - iii. Key removed
 - iv. Brake effectively set
 - v. Parked in an appropriate area ([NIH Manual Chapter 1410](#), “Parking Policy” for parking restrictions)
- g. A person must yield the right of way to an emergency vehicle operating its siren or flashing lights.
- h. Upon request by a police officer, a person involved in a traffic accident must present a drivers license.
- i. A person may not stand (vehicle stopped, with or without, an occupant), or park a motor vehicle or other vehicle:
 - i. In a lane, space, or area not designated by a sign for parking, and/or standing
 - ii. On a sidewalk
 - iii. Within an intersection or crosswalk

- iv. Within 10 feet of a fire hydrant, 5 feet of a driveway, or 20 feet of a stop sign, crosswalk, or traffic control signal
 - v. In a double-parked position
 - vi. At a curb painted yellow
 - vii. On the side of a street facing oncoming traffic
 - viii. In a position that would obstruct traffic
 - ix. For a period in excess of 24 hours, except at living quarters, or with the approval of the Police Office
 - x. A visitor must park in an area identified for that purpose by posted signs or similar instructions, such as “visitor parking” and “reserved for visitors” (see [NIH Manual Chapter 1410](#), “Parking Policy” for the definition of visitor)
- j. A person must park bicycles, motorbikes, and similar vehicles only in designated areas, and may not bring these vehicles inside buildings (see [NIH Manual Chapter 1411](#), “Bicycles, Bicycle Racks and Locker Facilities” for bicycle rack use).
- k. A person may not drive or park an unauthorized motor vehicle on a grassy, or any other unpaved area without the approval of the Division of Police (45 CFR, part 3.23).

Parking privileges for a defined construction area can be granted by the ORS Division of Amenities and Transportation Services (DATS). The DATS issues permits for construction projects on campus after consultation with the NIH Division of Police as necessary.

- l. Except for visitor parking, a person may not park a motor vehicle without displaying a parking permit, currently valid for that location. The Director may revoke or refuse to issue or renew any parking permit for violation of this section, or any provision of this part (see [NIH Manual Chapter 1410](#), “Parking Policy” for parking permit details).
- m. A person may not wash, polish, change oil, lubricate, or make non-emergency repairs on a privately owned vehicle.
- n. The speed limit is 25 miles per hour, unless otherwise posted. A driver of a vehicle may not exceed the speed limit.
- o. A person may not operate a bicycle, motorbike, or similar vehicle without a horn or other warning device, and, if the vehicle is operated between dusk and dawn, it must be equipped with an operating headlight, and taillight or reflector.
- p. Every person operating a bicycle or a motor scooter in a public area has all the rights granted to and is subject to all the duties required of the driver of a vehicle, except for those provisions that by their very nature do not apply (Maryland Transportation Law 21-1202 <http://law.justia.com/maryland/codes/gtr/21-1202.html>).
- q. Bicyclists are permitted to use pedestrian entrances, but no motorized vehicles, such as scooters, mopeds, etc. are allowed access to campus through pedestrian entrances.

G. Procedures

1. Upon report of a violation or the observance of a violation, the responding police officer will:
 - a. Make sure the scene is safe.
 - b. Request an ambulance if medical attention is necessary.
 - c. Obtain a brief synopsis of the incident and a description of suspect(s) and vehicle(s).
 - d. Relay information to dispatch to notify other police units.
 - e. Take a detailed report from the witness(s) or victim(s).
 - f. Collect physical evidence.
 - g. If there is a victim, a report number for the incident will be provided.
 - h. Attempt to conclude the investigation with action most applicable to the situation.

H. Records Retention and Disposal

Records Retention and Disposal: All records (e-mail and non-e-mail) pertaining to this chapter must be retained and disposed of under the authority of the [NIH Manual 1743](#), “Keeping and Destroying Records,” Appendix 1, NIH Records Control Schedule, Section 1300 Station Management, C. Protection and Security – all items that apply.

NIH e-mail messages: NIH e-mail messages (messages, including attachments, that are created on the NIH computer systems or transmitted over the NIH networks) that are evidence of the activities of the agency or have informational value are considered Federal records. These records must be maintained in accordance with current NIH Records Management guidelines. Contact your IC Records Officer for additional information.

All e-mail messages are considered Government property, and if requested for a legitimate Government purpose, must be provided to the requester. Employees' supervisors, the NIH staff conducting official reviews or investigations, and the Office of Inspector General may request access to or copies of the e-mail messages.

E-mail messages must also be provided to the Congressional Oversight Committees, if requested, and are subject to the Freedom of Information Act requests. Since most e-mail systems have back-up files that are retained for significant periods of time, e-mail messages and attachments are likely to be retrievable from a back-up file after they have been deleted from an individual's computer. The back-up files are subject to the same requests as the original messages.

Note that accident reports and other documents released to the public fall under section 8000 Information, Communications and Training in Appendix 1 under [NIH Manual 1743](#) Keeping and Destroying Records.

I. Internal Controls

The purpose of this chapter is to provide guidance to NIH personnel.

1. Office Responsible for Reviewing Internal Controls Relative to this Chapter:

Through this manual issuance, the Division of Police is responsible for ensuring that internal controls are implemented and working.

2. Frequency of Review: Ongoing

3. Method of Review: The Division of Police will maintain oversight and ensure compliance with this policy by assessing documentation obtained through their routine operations and interaction with the population on the NIH campus.

4. Review Reports: Reports are sent to the Chief of Police. Issues of special concern will be brought immediately to the attention of the Associate Director for Research Services.